

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

JAMES HUFFNAGLE, et al.)
)
v.) NO. 3-11-1009
) JUDGE CAMPBELL
ANTHONY LOIACONO, et al.)

ORDER

At the conclusion of the trial in this matter, Plaintiffs renewed their Motion for Judgment as a Matter of Law, pursuant to Fed. R. Civ. P. 50, on Defendant Loiacono's Counterclaim. Rule 50 provides that if a party has been fully heard on an issue during a jury trial and the court finds that a reasonable jury would not have sufficient evidentiary basis to find for the party on that issue, the court may grant a motion for judgment as a matter of law against the party. The jury found for Defendant Loiacono on his Counterclaim against Plaintiff Hemrick only.

As stated from the bench after the trial, the parties shall file briefs on the issue of Defendant's Counterclaim against Plaintiff Hemrick by March 18, 2015.

Plaintiffs also renewed their Motion for Default Judgment against Defendant Heads & Tails, Inc., which was not represented at the trial. The jury found that Defendant Heads & Tails, Inc. was not liable for unjust enrichment, the only claim against it. As stated from the bench after the trial, Plaintiffs' Motion for Default Judgment is denied. The Court finds that there was sufficient evidence before the jury to find in favor of Defendant Heads & Tails, Inc. even though it had no representation at the trial.

In addition, the rules referenced by the Court as to attorneys' fees and costs are Fed. R. Civ. P. 54(d) and Local Rule 54. 01. The Court also directs the attention of the parties to Local Rule 39.01(f) and Fed. R. Evid. 606 regarding jurors.

IT IS SO ORDERED.


TODD J. CAMPBELL
UNITED STATES DISTRICT JUDGE